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Docket No.: 33546-01

Patent
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Michael Aven

Serial No.: 09/491,708 Group No.: 1616

Filed: January 26, 2000 Examiner: A. Pryor

For: Non-Aqueous Emulsifiable Concentrate Formulation.

Assistant Commissioner for Patents
Box DD
Washington, D.C. 20231

H/B
J. Harmon
8/18/01

Information Disclosure Statement

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

CERTIFICATION UNDER 37 CFR 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

July 31, 2001
Date

Ann Giovanelli
Ann Giovanelli

08/10/2001 A7ERG41 00000110 021197 09491708

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2. Identification of Time of Filing

This Information Disclosure Statement

- a. is filed within three months of the filing date of the application.
- b. is filed before the mailing date of a first Office Action on the merits.
- c. is filed after the period specified in 2(a) or 2(b) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- d. is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), (ii) a petition requesting consideration of this information disclosure statement, and (iii) the petition fee under 37 CFR 1.17(i) (1).

3. Certification under 37 CFR 1.97(e)

The undersigned attorney certifies

- a. that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement,
or
- b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.

4. Newly Cited Information

A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that no copy of a pending U.S. application is enclosed.

5. Previously Cited Information

No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Serial Number , filed on of for .

6. Concise Explanation
Documents cited above which are not in the English Language
a. have been explained in the specification.
b. have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

7. Form PTO-1449 is enclosed in **duplicate**.

8. A petition requesting consideration of this information disclosure statement is enclosed.

9. Fees
a. Late filing (37 CFR 1.17(p)) Fee: \$ 180.00
b. Petition (37 CFR 1.17(i) (1)) Fee: \$ 130.00

Total Fee Due: \$ 180.00

10. Method of Payment of Fees:
Charge Deposit Account No. 02-1197 in the amount of \$180.00
A **duplicate** of this statement is enclosed.

11. Instructions as to Overpayment/Underpayment:
Credit any overpayment and charge any underpayment to Deposit Account No. 02-1197.



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